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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 HOWARD N. FLYNT,
15 Defendant.
16

)
) No. CR 05-00486 MJJ

)
) STIPULATION AND ~~PROPOSED~~
) ORDER FOR CONTINUANCE OF
) COURT DATE AND EXCLUSION
) OF TIME UNDER THE SPEEDY
) TRIAL ACT, 18 U.S.C. § 3161 ET
) SEQ.

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the court date
18 in this case, currently scheduled for Thursday, October 27, 2005, at 2:00 p.m. in San Francisco,
19 California, before Honorable Judge Martin Jenkins, may be continued to Friday, November 18,
20 2005, at 2:30 p.m., in Oakland, California, before Honorable Judge Martin Jenkins for status. The
21 current status of the case is that defense counsel is continuing to obtain relevant documents and
22 conduct further investigation in preparation for either a change of plea or trial setting. A
23 continuance to November 18, 2005, will enable defense counsel to continue with its investigation.
24 The parties therefore stipulate that the time from October 27, 2005, to November 18, 2005, should
25
26

STIP. CONTINUING
COURT DATE

1 be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
2 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel in order to allow defense counsel to
3 obtain additional documents and continue with its investigation.
4

5 /S/
6 DATED: October 25, 2005
7 JOYCE LEAVITT
8 Assistant Federal Public Defender

9 /S/
10 DATED: October 25, 2005
11 CANDICE JAN
12 Assistant United States Attorney

13 SIGNATURE ATTESTATION

14 I hereby attest that I have on file all holograph signatures indicated by a “conformed”
15 signature (“/S/”) within this efiled document.
16

17 /S/
18 DATED: October 25, 2005
19 MARILEE BARBEAU
20 Legal Secretary

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the court date, currently scheduled for Thursday, October 27, 2005, at 2:00 p.m., in San Francisco, California, before Honorable Judge Martin Jenkins, shall be continued to Friday, November 18, 2005, at 2:30 p.m., in Oakland, California, for status.

IT IS FURTHER ORDERED that the time from October 27, 2005, to November 18, 2005, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel in order to allow defense counsel to obtain documents and continue with its investigation. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial because additional review and investigation is necessary and the failure to grant the requested continuance would unreasonably deny the defendant's counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: 10/26/2005



HONORABLE MARTIN J. JENKINS
United States District Judge